

**5983. Adulteration and alleged misbranding of tomato pulp. U. S. * * *
v. Scottsburg Canning Co., a corporation. Plea of guilty to count
one of indictment. Fine, \$100 and costs. Second count of indictment nol-prossed. (F. & D. No. 8361. I. S. No. 11371-m.)**

On December 15, 1917, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States Attorney for said district, returned an indictment in the District Court of the United States for the District aforesaid against the Scottsburg Canning Co., a corporation, Scottsburg, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 18, 1916, from the State of Indiana into the State of Kentucky, of a quantity of tomato pulp which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department shows the product to consist of a partially decomposed vegetable product.

Adulteration of the article was charged in the first count of the indictment for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was charged in the second count of the indictment for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On January 9, 1918, the defendant company entered a plea of guilty to the first count of the indictment, and the court imposed a fine of \$100 and costs. The second count of the indictment, charging misbranding of the article, was nol-prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*